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U.S. Fights Clay 'Taps' Disclosure

United Press International

Attorney General John N. Mitchell told a Federal court in Houston yesterday it would "prejudice the national interest" to disclose information about Government wiretapping during which former world heavyweight boxer Cassius Clay was overheard on five separate occasions.

Clay, a Black Muslim who uses the name Muhammad Ali, has appealed his conviction for refusing induction into the armed forces on grounds his case was tainted by illegal Government eavesdropping.

Mitchell filed an affidavit and memorandum with the U.S. District Court in Houston. Turning over the log of one electronic surveillance for "in camera" inspection by the court, he said the eavesdropping occurred in June 1965 by Government agents monitoring a wiretap authorized for

gathering foreign intelligence. But the Government refused to turn over logs relating to the four other times Clay was overheard unless, and until, the court issues a protective order prohibiting unauthorized disclosure of the information.

"We believe that the unauthorized dissemination of the facts relating to these surveillances would prejudice the national interest and prejudice the interests of third parties," the Government said in a memorandum signed by U.S. Attorney Anthony J. P. Farris.

Clay's case was one of those recently sent back for reexamination after the Supreme Court ruled that the Government must disclose to a defendant any conversation in which he participated or that occurred on his premises which was overheard during the course of "an illegal electronic surveillance." Mitchell contended the one wiretap was made in the interests of the national security and therefore was legal. The Department's position is that the President has the inherent right to authorize eavesdropping in national security cases.

The implication has been that the Government was bugging foreign embassies and consulates in this country. Clay visited Egypt and many European countries on a boxing tour following his conviction June 20, 1967.